IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 15053 of 2005

Between:

Smt. Y. Neeraja, W/o. Sri Madhava Reddy,
R/o. Shantinagar, Nalgonda.

..... PETITIONER

AND

1 The Nalgonda Municipality, Represented by its Commissioner, Nalgonda.
2 The Town Planning Officer, Nalgonda Municipality, Nalgonda.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a direction or a writ more particularly a writ in the nature of mandamus declaring the proceedings of the commissioner, Nalgonda Municipality, Nalgonda, the first respondent herein in U.C.No. 30/OC/2005, dated 3-6-2005 and 13-6-2005 as illegal, arbitrary and violation of Article 300-A of the constitution of India.

Counsel for the Petitioner:MR.P.PRATAP REDDY

Counsel for the Respondents: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the stage of admission made the following ORDER:

This writ petition is filed by the petitioner against two show cause notices dated 03-06-2005 and 13-06-2005 issued by the first respondent. Notice dated 03-06-2005 was issued to the petitioner directing her to stop further construction and remove the illegal construction on the ground that she is making construction contrary to the sanctioned plan. Second notice dated
13-06-2005 was issued directing the petitioner to remove the illegal construction within three (3) days, failing which, the illegal construction will be removed by the concerned.

As seen from the proceedings of the first respondent, particulars of illegal constructions were given, like without leaving set backs, front side and back side space. Therefore, I deem it appropriate to direct the petitioner to submit her explanation to the above said notices within a period of two weeks from today, to the first respondent, who in turn, consider the same and pass appropriate orders in accordance with law. Till such time, the respondents shall not take any coercive steps to remove the illegal constructions alleged to have been made by the petitioner.

With the above direction, the writ petition is disposed of.

12th JULY, 2005.

Note: furnish c.c. by tomorrow.

B/o

kvni

To

1 The Commissioner, Nalgonda Municipality, Nalgonda.
2 The Town Planning Officer, Nalgonda Municipality, Nalgonda.

3 Two CD copies.